

CLOSED, ECF, RELATED

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:12-cv-00794-CM**

American Civil Liberties Union et al v. U.S. Department of  
Justice et al  
Assigned to: Judge Colleen McMahon  
Related Case: 1:11-cv-09336-CM  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/01/2012  
Date Terminated: 01/24/2013  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**American Civil Liberties Union**

represented by **Brett Max Kaufman**  
American Civil Liberties Union  
125 Broad Street  
New York, NY 10004  
(212)-549-2603  
Fax: (212)-549-2654  
Email: [bkaufman@aclu.org](mailto:bkaufman@aclu.org)  
**ATTORNEY TO BE NOTICED**

**Colin Wicker**  
Dorsey & Whitney LLP  
50 South Sixth Street  
Suite 1500  
Minneapolis, MN 55402  
612-492-6687  
Fax: 612-340-8000  
Email: [wicker.colin@dorsey.com](mailto:wicker.colin@dorsey.com)  
**ATTORNEY TO BE NOTICED**

**Eric Andrew O'N Ruzicka**  
Dorsey & Whitney, LLP (MN)  
50 South Sixth Street, Suite 1500  
Minneapolis, MN 55402  
(612)-340-2959  
Fax: (612)-340-8800  
Email: [ruzicka.eric@dorsey.com](mailto:ruzicka.eric@dorsey.com)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Hina Shamsi**  
American Civil Liberties Union  
Foundation (NYC)  
125 Broad Street  
18th Floor  
New York, NY 10004  
(212)-284-7321  
Fax: (212)-549-2652  
Email: [hshamsi@aclu.org](mailto:hshamsi@aclu.org)  
**ATTORNEY TO BE NOTICED**

**Jameel Jaffer**  
American Civil Liberties Union  
Foundation (NYC)  
125 Broad Street  
18th Floor  
New York, NY 10004  
(212) 549-7814  
Fax: (212) 549-2629  
Email: [jjaffer@aclu.org](mailto:jjaffer@aclu.org)  
**ATTORNEY TO BE NOTICED**

**Joshua Nicholas Colangelo–Bryan**  
Dorsey & Whitney LLP  
51 West 52nd Street  
New York, NY 10019  
212–415–9234  
Fax: 212–953–7201  
Email: [colangelo.bryan.joshua@dorsey.com](mailto:colangelo.bryan.joshua@dorsey.com)  
*ATTORNEY TO BE NOTICED*

**Michael P Weinbeck**  
Dorsey & Whitney  
50 South Sixth Street  
Suite 1500  
Minneapolis, MN 55402  
612–492–5677  
Fax: 612–340–8800  
Email: [weinbeck.michael@dorsey.com](mailto:weinbeck.michael@dorsey.com)  
*TERMINATED: 10/04/2012*

**Nathan Freed Wessler**  
American Civil Liberties Union  
Foundation  
125 Broad Street  
New York, NY 10004  
(212)–519–7847  
Fax: (212)–549–2654  
Email: [nwessler@aclu.org](mailto:nwessler@aclu.org)  
*TERMINATED: 01/09/2013*

**Plaintiff**

**The American Civil Liberties Union  
Foundation**

represented by **Brett Max Kaufman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Colin Wicker**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eric Andrew O'N Ruzicka**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Hina Shamsi**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jameel Jaffer**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Joshua Nicholas Colangelo–Bryan**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Michael P Weinbeck**  
(See above for address)  
*TERMINATED: 10/04/2012*

**Nathan Freed Wessler**  
(See above for address)  
*TERMINATED: 01/09/2013*

V.

**Defendant**

**U.S. Department of Justice**  
*including its component the Office of  
 Legal Counsel*

represented by **Sarah Sheive Normand**  
 U.S. Attorney's Office, SDNY (86  
 Chambers St.)  
 86 Chambers Street  
 New York, NY 10007  
 (212) 637-2200  
 Fax: (212) 637-2686  
 Email: [sarah.normand@usdoj.gov](mailto:sarah.normand@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Department of Defense**  
*including its component U.S. Special  
 Operations Command*

represented by **Sarah Sheive Normand**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Central Intelligence Agency**

represented by **Sarah Sheive Normand**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/01/2012	<u>1</u>	COMPLAINT against Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Filing Fee \$ 350.00, Receipt Number 465401028481) Document filed by The American Civil Liberties Union Foundation, American Civil Liberties Union.(mro) (Entered: 02/01/2012)
02/01/2012		SUMMONS ISSUED as to Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice, U.S. Attorney and U.S. Attorney General. (mro) (Entered: 02/01/2012)
02/01/2012		CASE REFERRED TO Judge Colleen McMahon as possibly related to 11-cv-9336. (mro) (Entered: 02/01/2012)
02/01/2012		Case Designated ECF. (mro) (Entered: 02/01/2012)
02/02/2012		CASE ACCEPTED AS RELATED. Create association to 1:11-cv-09336-CM. Notice of Assignment to follow. (pgu) (Entered: 02/02/2012)
02/02/2012	<u>2</u>	NOTICE OF CASE ASSIGNMENT to Judge Colleen McMahon. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 02/02/2012)
02/02/2012		Magistrate Judge James C. Francis IV is so designated. (pgu) (Entered: 02/02/2012)
02/02/2012	<u>3</u>	ORDER SCHEDULING AN INITIAL PRETRIAL CONFERENCE: Initial Conference set for 2/24/2012 at 11:30 AM in Courtroom 14C, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 2/2/2012) (mro) (Entered: 02/02/2012)
02/03/2012	<u>4</u>	NOTICE OF APPEARANCE by Sarah Sheive Normand on behalf of Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice (Normand, Sarah) (Entered: 02/03/2012)
02/08/2012	<u>11</u>	MOTION for Eric A.O. Ruzicka to Appear Pro Hac Vice. Document filed by The American Civil Liberties Union Foundation.(sjo) (Entered: 02/16/2012)

02/08/2012	<u>12</u>	MOTION for Colin Wicker to Appear Pro Hac Vice. Document filed by American Civil Liberties Union, The American Civil Liberties Union Foundation.(sjo) (Entered: 02/16/2012)
02/08/2012	<u>13</u>	MOTION for Michael P. Weinbeck to Appear Pro Hac Vice. Document filed by American Civil Liberties Union, The American Civil Liberties Union Foundation.(sjo) (Entered: 02/16/2012)
02/09/2012	<u>5</u>	SUMMONS RETURNED EXECUTED. U.S. Department of Justice served on 2/3/2012, answer due 2/24/2012. Service was made by Mail. Document filed by The American Civil Liberties Union Foundation; American Civil Liberties Union. (Colangelo-Bryan, Joshua) (Entered: 02/09/2012)
02/09/2012	<u>6</u>	SUMMONS RETURNED EXECUTED. Central Intelligence Agency served on 2/3/2012, answer due 2/24/2012. Service was made by mail. Document filed by The American Civil Liberties Union Foundation; American Civil Liberties Union. (Colangelo-Bryan, Joshua) (Entered: 02/09/2012)
02/09/2012	<u>7</u>	SUMMONS RETURNED EXECUTED. U.S. Department of Defense served on 2/3/2012, answer due 2/24/2012. Service was made by mail. Document filed by The American Civil Liberties Union Foundation; American Civil Liberties Union. (Colangelo-Bryan, Joshua) (Entered: 02/09/2012)
02/09/2012	<u>8</u>	SUMMONS RETURNED EXECUTED. Service was made by mail. Document filed by The American Civil Liberties Union Foundation, American Civil Liberties Union. (Colangelo-Bryan, Joshua) (Entered: 02/09/2012)
02/09/2012	<u>9</u>	CERTIFICATE OF SERVICE of Summons Returned Executed served on United States Attorney for the Southern District of New York on 2/3/12. Service was made by Mail. Document filed by American Civil Liberties Union, The American Civil Liberties Union Foundation. (Colangelo-Bryan, Joshua) (Entered: 02/09/2012)
02/10/2012	<u>10</u>	SUMMONS RETURNED EXECUTED. Service was made by mail. Document filed by The American Civil Liberties Union Foundation, American Civil Liberties Union. (Colangelo-Bryan, Joshua) (Entered: 02/10/2012)
02/16/2012		CASHIERS OFFICE REMARK on <u>13</u> Motion to Appear Pro Hac Vice, <u>11</u> Motion to Appear Pro Hac Vice, <u>12</u> Motion to Appear Pro Hac Vice in the amount of \$600.00, paid on 02/08/2012, Receipt Number 1029168,1029169,1029170. (jd) (Entered: 02/16/2012)
02/17/2012	<u>14</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>13</u> Motion for Michael P. Weinbeck to Appear Pro Hac Vice. (Signed by Judge Colleen McMahon on 2/17/2012) (tro) (Entered: 02/17/2012)
02/17/2012	<u>15</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>12</u> Motion for Colin Wicker to Appear Pro Hac Vice. (Signed by Judge Colleen McMahon on 2/17/2012) (tro) (Entered: 02/17/2012)
02/17/2012	<u>16</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>11</u> Motion for Eric A.O. Ruzicka to Appear Pro Hac Vice. (Signed by Judge Colleen McMahon on 2/17/2012) (tro) (Entered: 02/17/2012)
02/24/2012		Minute Entry for proceedings held before Judge Colleen McMahon: Initial Pretrial Conference held on 2/24/2012. Decision: Initial conference held. A briefing schedule was entered. The Government must move before April 13, 2012; responses to its motion are due May 11, 2012, at which time the opponents are free to cross-move; and the Governments reply and, if appropriate, opposition to the cross-motion is due May 25, 2012. Cross-movants should not file a reply unless instructed to do so by the Court. (Submitted By Scott Danner). (mde) (Entered: 02/24/2012)
03/05/2012	<u>17</u>	ANSWER to <u>1</u> Complaint,. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice.(Normand, Sarah) (Entered: 03/05/2012)
04/04/2012	<u>18</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Eric A.O. Ruzicka dated 4/3/2012 re: I am writing pursuant to Rule IV.C of this Court's Individual Practices and Procedures to request a page-limit extension to the

		ACLU's briefing in this matter. The ACLU respectfully requests that the Court permit it to submit a brief not to exceed 40 pages. ENDORSEMENT: OK. (Signed by Judge Colleen McMahon on 4/4/2012) (rjm) (Entered: 04/04/2012)
04/09/2012	<u>19</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Sarah S Normand dated 4/9/2012 re: Request for a ten day extension of time to file a motion for summary judgment and to file a consolidated brief of up to 40 pages in both cases. ENDORSEMENT: Ok, but dont ask for any more time. If government official can give speeches about this matter without creating security problem, any involved agency can. (Signed by Judge Colleen McMahon on 4/9/2012) (cd) (Entered: 04/09/2012)
04/20/2012	<u>20</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Eric A. O. Ruzicka dated 4/19/2012 re: Counsel requests a ten-day extension of Plaintiff ACLU's deadline to file its Response to the Government's Motion for Summary Judgment. ENDORSEMENT: Yes, everything moves back 10 days. (Signed by Judge Colleen McMahon on 4/19/2012) (djc) (Entered: 04/20/2012)
04/23/2012	<u>21</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Stuart Delery and Preet Bharara dated 4/23/2012 re: We write respectfully on behalf of the Department of Justice, the Department of Defense and the Central Intelligence Agency (collectively, the "Government") to seek a further extension, until May 21, 2012, of the Government's deadline to file its consolidated motion for summary judgment. ENDORSEMENT: I have read Director Clapper's declaration (which must remain under seal – believe me, I appreciate the irony) and I will grant the extension requested by the government. The time to file its motion is extended to May 21, 2012. (Motions due by 5/21/2012.) (Signed by Judge Colleen McMahon on 4/23/2012) (rjm) (Entered: 04/23/2012)
04/23/2012	<u>22</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Stuart Delery and Preet Bharara dated 4/23/12 re: Counsel for the defendant requests a further extension, until 5/21/12, of the Government's deadline to file his consolidated motion for summary judgment. ENDORSEMENT: I have read Director Clepper's declaration (which must remain under seal-believe me, I appreciate the irony) and I will grant the extension requested by the government. The time to file its motion is extended to May 21, 2012. ( Motions due by 5/21/2012.) (Signed by Judge Colleen McMahon on 4/23/2012) (mro) (Entered: 04/24/2012)
05/21/2012		Minute Entry for proceedings held before Judge Colleen McMahon: Telephone Conference held on 5/21/2012. Decision: Phone conference held. Defendants must move on or before June 20, 2012. Plaintiffs have four weeks thereafter to file responses.(Submitted By Benjamin T. Alden). (mde) (Entered: 05/21/2012)
06/19/2012	<u>23</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Susan S. Normand dated 6/18/12 re: Counsel for the Government seeks leave to file a consolidated brief of up to fifty pages in both cases in support of the Government's motion for summary judgment. ENDORSEMENT: Ok. (Signed by Judge Colleen McMahon on 6/19/2012) (mro) (Entered: 06/19/2012)
06/20/2012	<u>24</u>	MOTION for Summary Judgment. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice.(Normand, Sarah) (Entered: 06/20/2012)
06/20/2012	<u>25</u>	MEMORANDUM OF LAW in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 06/20/2012)
06/20/2012	<u>26</u>	DECLARATION of Sarah S. Normand in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(Normand, Sarah) (Entered: 06/20/2012)
06/20/2012	<u>27</u>	DECLARATION of John F. Hackett in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 06/20/2012)



06/20/2012	<u>28</u>	DECLARATION of John Bennett in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Normand, Sarah) (Entered: 06/21/2012)
06/21/2012	<u>29</u>	DECLARATION of John E. Bies in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Normand, Sarah) (Entered: 06/21/2012)
06/21/2012	<u>30</u>	DECLARATION of Robert R. Neller in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J)(Normand, Sarah) (Entered: 06/21/2012)
06/21/2012	<u>31</u>	DECLARATION of Douglas R. Hibbard in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Normand, Sarah) (Entered: 06/21/2012)
06/21/2012	<u>32</u>	NOTICE of Classified Filing re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 06/21/2012)
07/18/2012	<u>33</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Eric A. O. Ruzicka dated 7/17/2012 re: I am writing today to request that the page limit for the American Civil Liberties Union and American Civil Liberties Union Foundation's (collectively, the ACLU) memorandum of law in support of their motion for summary judgment and in opposition to the government's motion for summary judgment be increased by ten pages to a total of fifty pages.ENDORSEMENT: Ok. (Signed by Judge Colleen McMahon on 7/18/2012) (ama) (Entered: 07/18/2012)
07/18/2012	<u>34</u>	MOTION for Summary Judgment [ <i>PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT</i> ]. Document filed by American Civil Liberties Union, The American Civil Liberties Union Foundation.(Wicker, Colin) (Entered: 07/18/2012)
07/18/2012	<u>35</u>	MEMORANDUM OF LAW in Support re: <u>34</u> MOTION for Summary Judgment [ <i>PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT</i> ]. [ <i>MEMORANDUM IN SUPPORT OF PLAINTIFFS THE AMERICAN CIVIL LIBERTIES UNION AND THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT</i> ]. Document filed by American Civil Liberties Union, The American Civil Liberties Union Foundation. (Wicker, Colin) (Entered: 07/18/2012)
07/18/2012	<u>36</u>	DECLARATION of COLIN WICKER in Support re: <u>34</u> MOTION for Summary Judgment [ <i>PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT</i> ].. Document filed by American Civil Liberties Union, The American Civil Liberties Union Foundation. (Attachments: # <u>1</u> Exhibit EXHIBITS 1-5, # <u>2</u> Exhibit EXHIBITS 6-10, # <u>3</u> Exhibit EXHIBITS 11-17, # <u>4</u> Exhibit EXHIBIT 18, # <u>5</u> Exhibit EXHIBITS 19 AND 20, EX 20, PART 1 OF 2, # <u>6</u> Exhibit EXHIBIT 20, PART 2 OF 2, # <u>7</u> Exhibit EXHIBIT 21-24)(Wicker, Colin) (Entered: 07/18/2012)
07/20/2012	<u>37</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Sarah S. Normand dated 7/20/2012 re: We write respectfully on behalf of defendants the Department of Justice and its component, the Office of Legal Counsel; the Department of Defense and its component, the United States Special Operations Command; and the Central Intelligence Agency (collectively, the "Government") in the above-named related cases brought pursuant to the Freedom of Information Act ("FOIA") to request that the Court set a deadline of August 8, 2012, for the

		filing of the Government's reply and opposition to plaintiffs' respective cross-motions in these cases. ENDORSEMENT: OK., ( Responses due by 8/8/2012., Replies due by 8/8/2012.) (Signed by Judge Colleen McMahon on 7/20/2012) (lmb) (Entered: 07/20/2012)
08/08/2012	<u>38</u>	REPLY MEMORANDUM OF LAW in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 08/08/2012)
08/08/2012	<u>39</u>	DECLARATION of Mark Herrington in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 08/08/2012)
08/08/2012	<u>40</u>	DECLARATION of Douglas Hibbard in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 08/08/2012)
08/09/2012	<u>41</u>	MEMORANDUM OF LAW in Opposition re: <u>34</u> MOTION for Summary Judgment [ <i>PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT</i> ].. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 08/09/2012)
08/09/2012	<u>42</u>	DECLARATION of Mark Herrington in Opposition re: <u>34</u> MOTION for Summary Judgment [ <i>PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT</i> ].. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 08/09/2012)
08/09/2012	<u>43</u>	DECLARATION of Douglas Hibbard in Opposition re: <u>34</u> MOTION for Summary Judgment [ <i>PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT</i> ].. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 08/09/2012)
08/16/2012	<u>44</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION for Michael P. Weinbeck to Withdraw as Attorney <i>APPLICATION OF MICHAEL P. WEINBECK TO WITHDRAW AS COUNSEL</i> . Document filed by American Civil Liberties Union. (Attachments: # <u>1</u> Affidavit of Michael P. Weinbeck in Support of Application to Withdraw as Counsel, # <u>2</u> Affidavit of Service, # <u>3</u> proposed Order)(Weinbeck, Michael) Modified on 8/16/2012 (db). (Entered: 08/16/2012)
08/16/2012		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Michael P Weinbeck to RE-FILE Document <u>44</u> MOTION for Michael P. Weinbeck to Withdraw as Attorney <i>APPLICATION OF MICHAEL P. WEINBECK TO WITHDRAW AS COUNSEL</i>. ERROR(S): Supporting Documents are filed separately, each receiving their own document #. (db)</b> (Entered: 08/16/2012)
08/16/2012	<u>45</u>	MOTION for Michael P. Weinbeck to Withdraw as Attorney <i>APPLICATION OF MICHAEL P. WEINBECK TO WITHDRAW AS COUNSEL</i> . Document filed by American Civil Liberties Union.(Weinbeck, Michael) (Entered: 08/16/2012)
08/16/2012	<u>46</u>	AFFIDAVIT of MICHAEL P. WEINBECK in Support re: <u>45</u> MOTION for Michael P. Weinbeck to Withdraw as Attorney <i>APPLICATION OF MICHAEL P. WEINBECK TO WITHDRAW AS COUNSEL</i> .. Document filed by American Civil Liberties Union. (Weinbeck, Michael) (Entered: 08/16/2012)
08/16/2012	<u>47</u>	AFFIDAVIT OF SERVICE of APPLICATION OF MICHAEL P. WEINBECK TO WITHDRAW AS COUNSEL served on Sarah S. Normand on 08/16/12. Service was accepted by BY ECF FILING SYSTEM. Document filed by American Civil Liberties Union. (Weinbeck, Michael) (Entered: 08/16/2012)
08/22/2012	<u>48</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Eric A. O. Ruzicka dated 8/13/2012 re: request leave to file a reply brief of no more than 10 pages by 8/24/2012 also ask that an oral argument be scheduled for this matter. ENDORSEMENT: Ok. (Replies due by 8/24/2012.) (Signed by Judge Colleen McMahon on 8/20/2012) (jar) (Entered: 08/22/2012)
08/24/2012	<u>49</u>	REPLY MEMORANDUM OF LAW in Support re: <u>34</u> MOTION for Summary Judgment [ <i>PLAINTIFFS' NOTICE OF MOTION FOR PARTIAL SUMMARY</i>

		<i>JUDGMENT</i> ]. [REPLY MEMORANDUM IN SUPPORT OF PLAINTIFFS AMERICAN CIVIL LIBERTIES UNION AND THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT]. Document filed by American Civil Liberties Union, The American Civil Liberties Union Foundation. (Ruzicka, Eric) (Entered: 08/24/2012)
08/24/2012	<u>50</u>	AFFIDAVIT OF SERVICE of Reply Memorandum served on Sarah S. Normand on 08/24/2012. Service was accepted by by ECF filing system. Document filed by American Civil Liberties Union, The American Civil Liberties Union Foundation. (Ruzicka, Eric) (Entered: 08/24/2012)
10/02/2012	<u>51</u>	ENDORSED LETTER addressed to Judge Colleen McMahon, from Sarah S. Normand, dated 10/1/2012, re: on behalf of defendants, request an unopposed extension of time, until October 10, 2012, for the parties to submit simultaneous supplemental letter briefs addressing the Second Circuit's recent decision in Brennan Center v. Department of Justice, No. 11-4599 (2d Cir. Sept. 20, 2012). ENDORSEMENT: OK. (Signed by Judge Colleen McMahon on 10/2/2012) (ja) (Entered: 10/02/2012)
10/04/2012	<u>52</u>	APPLICATION OF MICHAEL P. WEINBECK TO WITHDRAW AS COUNSEL: granting <u>45</u> Motion to Withdraw as Attorney. Attorney Michael P Weinbeck terminated.ENDORSEMENT: GRANTED. (Signed by Judge Colleen McMahon on 10/04/2012) (ama) (Entered: 10/04/2012)
10/05/2012	<u>53</u>	NOTICE OF APPEARANCE by Brett Max Kaufman on behalf of American Civil Liberties Union, The American Civil Liberties Union Foundation (Kaufman, Brett) (Entered: 10/05/2012)
10/10/2012	<u>54</u>	MOTION for Nathan Freed Wessler to Withdraw as Attorney. Document filed by American Civil Liberties Union, The American Civil Liberties Union Foundation.(Wessler, Nathan) (Entered: 10/10/2012)
01/02/2013	<u>55</u>	ORDER terminating <u>34</u> Motion for Summary Judgment; terminating <u>24</u> Motion for Summary Judgment. The Government's motion for summary judgment is granted except to the extent of permitting the DoD to submit a supplemental and more fulsome justification for why the deliberative process privilege applies to the two Unclassified Memos on its Vaughn Index. Plaintiffs' cross motions for summary judgment are denied except as to the open issue described above. This constitutes the decision and order of the Court. The Clerk of the Court is directed to remove the motions at Docket 11 Civ. 9336 # 10 and 19 and Docket 12 Civ. 794 # 24 and 34 from the Court's list of open motions.(Signed by Judge Colleen McMahon on 1/2/2013) (ago) (Additional attachment(s) added on 1/2/2013: # <u>1</u> Order) (mde). (Entered: 01/02/2013)
01/03/2013	<u>56</u>	CORRECTED OPINION GRANTING THE GOVERNMENT'S MOTION FOR SUMMARY JUDGMENT AND DENYING PLAINTIFFS' CROSS MOTION FOR SUMMARY JUDGMENT: The Government's motion for summary judgment is granted except to the extent of permitting the DoD to submit a supplemental and more detailed justification for why the deliberative process privilege applies to the two Unclassified Memos on its Vaughn Index. Plaintiffs' cross motions for summary judgment are denied except as to the open issue described above. This constitutes the decision and order of the Court. The Clerk of the Court is directed to remove the motions at Docket 11 Civ. 9336 # 10 and 19 and Docket 12 Civ. 794 # 24 and 34 from the Court's list of open motions. (Signed by Judge Colleen McMahon on 1/3/2013) Copies Sent By ECF By Chambers. (cd) (Entered: 01/03/2013)
01/09/2013	<u>57</u>	MOTION OF NATHAN FREED WESSLER TO WITHDRAW AS COUNSEL granting <u>54</u> Motion to Withdraw as Attorney. Attorney Nathan Freed Wessler terminated. ENDORSEMENT: GRANTED Remove name from Docket. (Signed by Judge Colleen McMahon on 1/09/2013) (ama) Modified on 1/15/2013 (ama). Modified on 1/17/2013 (ama). (Entered: 01/10/2013)
01/17/2013	<u>58</u>	<b>FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT –</b> DECLARATION of Brigadier General Richard C. Gross in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand,



		Sarah) Modified on 1/18/2013 (db). (Entered: 01/17/2013)
01/18/2013		<b>***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>58</u> HAS BEEN REJECTED. Note to Attorney Sarah Sheive Normand : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (db)</b> (Entered: 01/18/2013)
01/18/2013	<u>59</u>	DECLARATION of Brigadier General Richard C. Gross in Support re: <u>24</u> MOTION for Summary Judgment.. Document filed by Central Intelligence Agency, U.S. Department of Defense, U.S. Department of Justice. (Normand, Sarah) (Entered: 01/18/2013)
01/22/2013	<u>60</u>	DECISION AND ORDER: Accordingly, the Government's motion for summary judgment with respect to the Unclassified Memos is granted and Plaintiffs' cross motions for summary judgment are denied. The Clerk of the Court is directed to enter judgment for the Government and to close both cases. This constitutes the decision and order of the Court. (Signed by Judge Colleen McMahon on 1/22/2013) (dj) (Entered: 01/22/2013)
01/24/2013	<u>61</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Decision and Order dated January 22, 2013, the Governments motion for summary judgment with respect to the Unclassified Memos is granted and Plaintiffs cross motions for summary judgment are denied; accordingly, both of the cases are closed. original Document # 35 filed in 11 Civ. 9336. (Signed by Clerk of Court Ruby Krajick on 1/24/13) (Attachments: # <u>1</u> Notice of Right to Appeal)(dt) (Entered: 01/24/2013)